IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 339 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PATEL GOVINDBHAI NANJIBHAI

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR CL SONI for Petitioners

MR MD PANDYA for Respondent

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 19/06/2001

ORAL JUDGEMENT

1. Rule. Mr.M.D.Pandya, learned advocate waives service of rule for the respondent.

2. The petitioners have challenged the order dated 5/3/2001 passed by the Civil Judge (J.D.), Idar below Ex.66 in the proceedings of Regular Civil Suit No.89 of 1994.

3. The petitioners, who are the original defendants of Regular Civil Suit No.89 of 1994, gave an application

Ex.66 with a prayer for direction to the respondent/plaintiff to produce logsheet register in respect to disputed bill served to the petitioners/defendants in the Court, as respondent/plaintiff has failed to produce the same despite the notice dated 21/12/2000.

4. Mr.C.L.Soni, learned advocate for the petitioners has relied upon Order-11, Rule-14 of the Civil Procedure Code and contended that the trial Court has erred in holding that documents called for by the petitioners/defendants, cannot be called for under the provisions of Order-11, Rule-14 of the Civil Procedure Code. It is also submitted that the Court has passed the order assiging the reasons that earlier the Application was moved on behalf of the petitioners/defendants and the same was rejected.

It is pertinent to note that the present respondent has filed the suit to recover the aggregate amount of Rs.49,982.78 paisa for which a bill was issued to the petitioners/defendants as they had illegally obtained the electric supply. That the said amount was assessed as per the formula A, B, C and D, the copy in respect of which has been tendered on record on behalf of the respondent/plaintiff. Therefore, the trial Court has rightly rejected the application. No jurisdictional error or failure of justice could be pointed out and as such the Revision Application stands disposed of as rejected. Rule is discharged.

(A.K.Trivedi,J.)

(vrpanchal)*